

SINGLE-FAMILY HOUSE PERMIT

FILE NO.	SF16-003
LOCATION OF PROPERTY	North side of Laurie Avenue, approximately 120 feet west of Lincoln Avenue (1109 Laurie Avenue)
ZONING DISTRICT	R-1-8 Single-Family Residence
GENERAL PLAN DESIGNATION	Residential Neighborhood
PROPOSED USE	Single Family House Permit to allow an approximately 1,565 square foot addition with a second story to an approximately 1,422 square foot single-family residence with a maximum height of 30 feet 6 inches and a floor area ratio (F.A.R.) of approximately 0.49 on an approximately 0.14 gross acre site
ENVIRONMENTAL STATUS	Categorical Exemption, CEQA Guidelines Section 15303(a) (New Construction or Conversion of Small Structures)
APPLICANT / ADDRESS	Richard Haro 2150 Mangin Way San Jose, CA 95125
OWNER / ADDRESS	Kerry MacLennan 1109 Laurie Avenue Los Gatos, CA 95125

The Director of Planning, Building and Code Enforcement determines, concludes and finds as follows for this proposed project:

1. **Site Description and Surrounding Uses.** The subject site is approximately 0.14 gross acres in size and is currently developed with an approximately 1,422 square foot single-family residence and a detached two-car garage. The subject site is surrounded by single-family residences on all sides and fronts Laurie Avenue at the south property line. The surrounding residences are a mix of single-story and two-story houses.
2. **Project Description.** This Single Family House Permit is to allow an approximately 1,565 square foot addition with a second story to an approximately 1,422 square foot single-family residence with a maximum height of 30 feet 6 inches and a floor area ratio (F.A.R.) of approximately 0.49 on an approximately 0.14 gross acre site.
3. **General Plan Conformance.** The project is consistent with the site's Envision San Jose 2040 General Plan Land Use/Transportation Diagram designation of Residential Neighborhood in that single-family detached residences are an intended use under this designation. The proposed infill development conforms to the prevailing existing

neighborhood character as defined by density, lot size and shape, massing, and neighborhood form and pattern.

4. **Zoning Code Compliance.** The proposed project conforms in all respects to the provisions of Title 20 of the San José Municipal Code, including the development standards of the R-1-8 Single-Family Residence Zoning District.
 - a. **Nonconforming Structure.** The existing single-family and detached two-car garage was legally constructed in 1929 and annexed into the City of San Jose in 1936. The existing house is a legal nonconforming structure in that the existing house is setback 24 feet four inches from the front property line and 3 feet from the west side property line. In the R-1-8 zoning district, the required front setback is 25 feet and the required side setback is 5 feet. Per section 20.150.060 of the San Jose Municipal Code, any legal nonconforming structure may be expanded upon such land with the approval of a Site Development Permit, and such expansion does not further diminish the existing nonconforming development standard. This discretionary Category 2 Single-Family House Permit serves the purpose of a Site Development Permit and the proposed addition does not further diminish the development standards of the R-1-8 zoning district.
 - b. **Setbacks.** The proposed addition has setbacks of 40 feet 4 inches from the front property line, 5 feet from the west side property line, 17 feet 9 inches from the east side property line, and 38 feet 8 inches from the rear property line. The required setbacks in the R-1-8 Single-Family Residence Zoning District are 25 feet from the front, 5 feet on both sides, and 20 feet from the rear. Also, there is a proposed covered front porch which is setback 20 feet from the front property line which meets the setback requirement for front porches per section 20.30.410 of the San Jose Municipal Code.
 - c. **Height.** The highest point of the proposed house is approximately 20 feet and 6 inches, which conforms to the maximum permissible height of 35 feet in the R-1-8 Zoning District.
 - d. **Parking Requirement.** There is an existing detached two-car garage on-site and there are no modifications proposed for it. The San Jose Zoning Ordinance requires two covered parking spaces for single-family residences. Therefore, the proposed project meets the parking requirements of the San Jose Zoning Ordinance.
5. **Single-Family House Permit Findings.** Per Section 20.100.1040 of the San Jose Municipal Code, a Single-Family House Permit is required as the project proposes an addition to a single-family residence which will result in a FAR greater than 0.45 (0.55 FAR proposed). With regard to the required findings for a Single-Family House Permit, the Director finds that:
 - a. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious, in that the architectural elements of the proposed structure are compatible in terms of mass, scale and height, as set forth by the Single-Family Design Guidelines; and
The proposed project will add approximately 1,565 square feet to the existing single-family house. There is a cohesive architectural style for the proposed second story addition, the existing house, and existing detached garage. There are no other detached buildings or structures proposed on this site.
 - b. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood, in that the proposed house orientation,

location on the property, massing, and scale is consistent to the existing neighborhood pattern.

The proposed project is located adjacent to a one-story house to the west. The proposed second story of the house has been stepped back from the first story in consideration for mass and scale in relation to the one-story house. There is an assortment of two-story houses on this street. The surrounding properties in the neighborhood have a mix of architectural styles, so the proposed traditional architectural style of the home will be aesthetically harmonious with adjacent development and the character of the neighborhood.

6. **Environmental Review.** Under the provisions of Section 15303(a) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended, in that the proposed project is for the construction of one single-family residence in a residential zone.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire two years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.

4. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Single-Family House Permit incorporated by reference in this Permit in accordance with Chapter 20.100 of the San Jose Municipal Code.
5. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
6. **Conformance to Plans.** Development of the site shall conform to approved Single-Family House plans entitled “1109 Laurie Avenue, San Jose, CA” dated September 14, 2015 with last revisions dated [REDACTED] on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04), with the exception of any subsequently approved changes.
7. **Colors and Materials.** All building colors and materials are to be those specified on the Approved Plan Set.
8. **Demolition/Construction.** No construction on the site may proceed unless and until this Single-Family House Permit is released to the Building Division.
9. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Grading Permit as described or contemplated under this permit shall be deemed acceptance of all conditions specified in this permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the “Building Code” shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San Jose Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
10. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. *Construction Plans.* This permit file number, **SF16-003**, shall be printed on all construction plans submitted to the Building Division.
 - b. *Street Number Visibility.* Street numbers of the buildings shall be easily visible at all times, day and night.
 - c. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.
11. **Construction Hours.** Construction and grading activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. This includes the staging of equipment and construction personnel. The construction hours shall be printed on all plans for the project used to construct the project. Interior construction activities that do not generate any audible noise impacts at residential properties are allowed on Saturdays between 9:00 a.m. and 5:00 p.m.
12. **Street Cleaning and Dust Control.** During construction, the developer shall damp sweep the public and private streets within and adjoining the project site each working day sufficient to remove all visible debris and soil. On-site areas visible to the public from the public right-of-way shall be cleaned of debris, rubbish, and trash at least once a week. While the project is

under construction, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site.

13. **Recycling.** Scrap construction and demolition material should be recycled. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
14. **Protection of Storm Drains.** No hazardous materials, paint, rinse water, or construction sediments or debris shall be allowed to enter the public right-of-way or any storm drain inlet. The storm drain system flows to the Bay.
15. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
16. **Revocation, Suspension, Modification.** This Planned Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
 - a. A violation of any conditions of the Planned Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
 - c. The use as presently conducted creates a nuisance.

APPROVED and issued on this **23rd day of March, 2016.**

Harry Freitas, Director
Planning, Building, and Code Enforcement

Deputy